

**REMARKS**

On January 8, 2004, a Communication was prepared by the Examiner and subsequently sent to the offices of the undersigned via facsimile on January 9, 2004 forwarding a document supposedly mailed by the U.S. Patent and Trademark Office November 6, 2003. However, according to the January 8, 2004 Communication, there is no record in the Patent and Trademark Office file for the subject application that the document was mailed on November 6, 2003 and the document was never received by the undersigned until the facsimile was received on January 9, 2004.

This Amendment is being filed in response to the Office Action received January 9, 2004 by the due date the Office Action would have had if it was mailed on November 6, 2003. In the Office Action, the Examiner noted that claims 1-3 and 5-16 were pending in the application; and rejected claims 1-3 and 5-16 under 35 USC §103(a) as unpatentable over Microsoft Organization Chart in view of U.S. Patent 5,469,539 to Usuda (Reference A in the Office Action received January 8, 2004). Claims 1-3 and 5-16 remain in the case. The rejections are traversed below.

**The Prior Art****Microsoft Organization Chart**

Twenty screen shots were provided via facsimile on November 14, 2003 as evidence of Microsoft Organization Chart which is Version 2.00 with a date of October 16, 1995, according to Fig. (1). Figures (1) - (14) were cited in the February 14, 2003 Office Action and described in the Amendment filed via certificate of mail on May 14, 2003. The new drawings, Figs. (15)-(16), show a single box labeled "1" connected to three parallel boxes labeled "2" which are in turn connected to a single box labeled "3" in Fig. (15). The screen shot in Fig. (16) is identical to Fig. (15), except that the boxes labeled with a "2" are in reverse video (white numerals on a black background). The screen shot in Fig. (17) shows only a single box labeled "3" connected to the box labeled "1" with no boxes labeled "2". The screen shot in Fig. (18) shows three boxes labeled "1" connected in parallel and all connected to a single box labeled "2" which is in turn connected to three boxes labeled "3". The screen shot in Fig. (19) is identical to that in Fig. (18) except that the box labeled "2" is in reverse video. The screen shot in Fig. (20) does not have a box labeled "2" and instead has one line directly connecting the middle box labeled "1" to the middle box labeled "3" and lines connecting the outside boxes labeled "1" to each other and intersecting the line connecting the middle "1" to the middle "3" boxes and a similar line connecting the outside "3" boxes that does not intersect the line connecting the outside "1" boxes.

**U.S. Patent 5,469,539 to Usuda**

The Usuda patent is directed to abstracting-detailing structuring elements of system specification by storing the information in a hierarchical structure, so that an object can be selected to determine a logical relation of the specification information contained in the hierarchy of the selected object. As described at col. 4, lines 54-66 and illustrated in Fig. 4, hierarchical management table 400 stores a group of child hierarchies 402 for a parent hierarchy 401 while structuring information management table 410 contains structuring information for the parent hierarchy 401. In Fig. 6 is "an example of selecting the object by enclosing the structuring element with a free curved line 601 written with the pointer 502 or the writing tool 504 and thus appears to be a simplified view of a graphical user interface. Once selected in this manner, the specification information can undergo "adding, deleting or updating" (col. 6, lines 14-15).

**Rejections under 35 USC § 103(a)**

In paragraphs 8-18 on pages 3-5 of the Office Action, claims 1-3 and 5-16 were rejected under 35 USC § 103(a) as unpatentable over Microsoft Organization Chart in view of Usuda. This rejection is preceded with a "Response to Arguments" in paragraphs 1-6 on page 2 of the Office Action, which includes the statement "the Examiner while using the Organization Chart Editor has observed objects '1' and '3' connecting automatically after '2' has been deleted" (Office Action, page 2, lines 11-12). Furthermore, the rejections include statements like "Microsoft Organization Chart discloses a display unit to display a graphic including a first object, a second object and a third object that are connected in series via lines ... an editor to delete the second object and connecting the first and third objects when the second object is selected" (paragraph 9, lines 1-4). None of these statements are contained in an Affidavit by the Examiner which was requested in the paragraph spanning pages 4 and 5 of the May 14, 2003 Amendment. The only evidence of what is disclosed by Microsoft Organization Chart are the screen shots in Figs. (1)-(20) described above and in the previous Amendment. These drawings do not disclose either a display unit or an editor. In other words, there is insufficient evidence on record regarding how Microsoft Organization Chart, Version 2.00 works.

It is submitted that an Affidavit meeting the requirements of MPEP § 2144.03 should be provided if the drawings in Figs. (1) - (20) are going to be cited as evidence of what Microsoft Organization Chart, Version 2.00 is capable. At a minimum, if the claims continue to be rejected over this software, an Affidavit needs to be provided by a user of the software describing what operations were performed to generate the drawings being used as evidence of Microsoft Organization Chart's capabilities.

In general, the Affidavit should provide more detail of the operations performed in generating the drawings than has been provided in the first two Office Actions. For example, the Affidavit should describe how Fig. (4) was produced from Figs. (2) and (3); specifically whether the box labeled "3" was manually moved to the position shown in Fig. (4). The Affidavit also should describe the operations performed using the software to produce Figs. 14 and 18-20 discussed in paragraphs 4 and 5, respectively, on page 2 of the Office Action. Since no affidavit was provided, it is submitted that claims 1-3 and 5-16 are allowable over the evidence that has been cited.

Furthermore, claims 1, 11, 13 and 15 have been amended to recite "said editor adjusting a position of at least one of the first and third objects on said display unit to adjust a distance between the first and third objects, if the distance between the first and third objects after the second object is deleted is larger than a predetermined threshold "(e.g., claim 1, last four lines). Therefore, it is submitted that claims 1, 11, 13 and 15 patentably distinguish over Microsoft Organization Chart, Version 2.00 in view of Usuda for this additional reason.

In addition, claim 5 has been amended to recite "an editor ... automatically connecting the first and third objects when the plurality of second objects are selected" (claim 5, last 2 lines) and claim 6 has been amended to recite "an editor deleting the second object and separately connecting each of the plurality of first objects and each of the plurality of third objects automatically when the second object is selected" (claim 6, last 3 lines). The minimal description of how Figs. (1) - (20) were created contains no suggestion that Microsoft Organization Chart, Version 2.00 operates in the manner recited in claims 5 and 6. Therefore, it is submitted that claims 5 and 6 patentably distinguish over Microsoft Organization Chart, Version 2.00 in view of Usuda for this additional reason.

As stated in the above quotation from claim 6, the present invention includes "an editor ... separately connecting each of the plurality of first objects and each of the plurality of third objects" when an object connect to a plurality of each is deleted. This is illustrated in Figs. 12A and 12B of the application. As described above, what is shown in Fig. (20) as being produced by Microsoft Organization Chart, Version 2.00, are two sets of lines configured as an "E" back-to-back with a single line connecting the "backbone" of the "E"s. This is not what is recited in amended claim 6 which corresponds to what is illustrated in Figs. 12A and 12B of the application. Therefore, it is submitted that claim 6 further patentably distinguishes over Microsoft Organization Chart, Version 2.00 in view of Usuda for this additional reason.

Furthermore, claims 7-10, 12, 14 and 16 have been amended to clarify that "moved to a predetermined area" means "selected and dragged to a predetermined area". As in the case of the creation of Fig. (20), nothing in the description of how Figs. (1) - (20) were created contains any suggestion that Microsoft Organization Chart, Version 2.00 deletes "the second object and ... [connects] the first and third objects when the second object is selected and dragged to a predetermined area" (e.g., claim 7, last 2 lines). From the drawings, it appears more likely that the box labeled "2" was deleted in response to selection of a delete function, such as by using the "Delete" key, rather than by moving to a predetermined area, as recited in claims 7-10, 12, 14 and 16. Therefore, it is submitted that claims 7-10, 12, 14 and 16 further patentably distinguish over Microsoft Organization Chart, Version 2.00 in view of Usuda for this additional reason.

### Summary

It is submitted that the evidence cited is insufficient to support a rejection of the claims. Therefore, it is submitted that claims 1-3 and 5-16 are in a condition suitable for allowance. Reconsideration of the claims and an early of Notice of Allowance are earnestly solicited.

If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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